

Commissioner for Patents
Amendment dated September 17, 2004
Response to Office Action dated June 17, 2004
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Serial No.: 10/624203
Art Unit: 2823
Examiner: Toledo
Docket No.: SC12430TP

REMARKS

Claims 1-20 were pending. The Examiner acknowledged Applicant's election of claims 1-16, and withdrawal of claims 17-20. The Examiner rejected claims 1 and 3 under 35 USC § 102(b) as being anticipated by Aronowitz *et al.* (U.S. Patent No. 6,331,468 B1), hereinafter "Aronowitz ". Claims 10 and 11 were rejected under 35 USC § 102(e) as being anticipated by Kluth *et al.* (U.S. Patent No. 6,602,754 B1), hereinafter "Kluth". The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Kluth as applied to claims 10 and 11, and further in view of Wolf and Tauber (Silicon Processing for the VLSI Era Volume 1: Process Technology). The Examiner indicates that claims 2, 4-9, and 13-16 recite allowable subject matter if rewritten to incorporate the limitations of their base claims and any intervening claims. In this response, Applicant has amended claims 2-4, 12-13, and 15-16 and canceled claims 1, 10-11, and 17-20. Claims 2-9 and 12-16 remain pending.

Claim rejections under 35 USC § 102(b)

The Examiner rejected claims 1 and 3 under 35 USC § 102(b) as being anticipated by Aronowitz. In response, Applicant has canceled claim 1, amended claim 2 to independent form incorporating the limitations of claim 1, and amended claim 3 to depend on claim 2. The amendment of claim 2 merely incorporates the limitations of the base claim and is not made for any purpose related to patentability. Consistent with the Examiner's determination that claim 2 recites allowable subject matter, Applicant would submit that claim 2 as amended herein and its dependent claims (3-9) recite allowable subject matter.

Claim rejections under 35 USC § 102(e)

The Examiner rejected claims 10 and 11 under 35 USC § 102(e) as being anticipated by Kluth. In response, Applicant has canceled claims 10 and 11 and amended previously dependent claims 12 and 15 in independent form incorporating the limitations of claims 10 and 11 and amended claim 16 in independent form incorporating the limitations of claim 10. Consistent with the Examiner's determination that claims 13, 15, and 16 would be allowable if rewritten to incorporate the limitations of the base claim and any intervening claim, Applicant submits that

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claims 13, 15, and 16 as amended herein recite allowable subject matter. Accordingly, Applicant would request the Examiner to withdraw the objections to claims 13, 15, and 16 and to recognize the amended claims and their dependent (claims 12 and 14) as reciting allowable subject matter. The amendments to claims 13, 15, and 16 were made merely to incorporate the limitations of the base claim and any intervening claims. As such, these amendments were not made for any purpose relating to patentability.

Claim rejections under 35 USC § 103(a)

The Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Kluth as applied to claims 10 and 11, and further in view of Wolf and Tauber. In response, Applicant has amended claim 12 to incorporate the limitations of amended claim 13. Consistent with the allowability of amended claim 13 (see above), claim 12 as amended to depend from claim 13 now also recites allowable subject matter.

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CONCLUSION

In the present response, Applicant has responded to the Examiner's claim rejections under 35 USC § 102(b), 35 USC § 102(e), and 35 USC § 103(a). Accordingly, Applicant believes that this response constitutes a complete response to each of the issues raised in the office action. In light of the amendments made herein and the accompanying remarks, Applicant believes that the pending claims are in condition for allowance. Accordingly, Applicant would request the Examiner to withdraw the rejections, allow the pending claims, and advance the application to issue. If the Examiner has any questions, comments, or suggestions, the undersigned attorney would welcome and encourage a telephone conference at 512.428.9872.

Respectfully submitted,



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